



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ६, अंक ३० (२)]

गुरुवार, जून १९, २०१४/ज्येष्ठ २९, शके १९३६

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असाधारण क्रमांक ७८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk
Mantralaya, Mumbai 400 032, dated 19th June 2014

NOTIFICATION

MAHARASHTRA CO-OPRATIVE SOCIETIES ACT, 1960.

No. CSL. 2014 / CR No. 12/ 13-C.—The following draft of the Maharashtra State Co-operative Election Authority (Conditions of Service of Commissioner) Rules, 2014, which the Government of Maharashtra proposes to make in exercise of powers conferred by sub-section (2) of section 165 read with sub-section (4) of section 73 CB of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) and of all other powers enabling it in that behalf, is hereby published for the information of all the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government of Maharashtra on or after the 3rd day of July 2014.

2. Any objection or suggestion, which may be received by the Secretary to the Government of Maharashtra, Co-operation, Marketing and Textiles Department, Mantralaya, Mumbai 400 032, from any person with respect to the said draft on or before the aforesaid date, will be considered by the Government.

DRAFT RULES

No. CSL. 2014 / CR No. 12 / 13-C.—In exercise of the powers conferred by sub-section (2) of section 165 read with sub-section (4) of section 73 CB of the Maharashtra Co-operative Societies

Act, 1960 (Mah. XXIV of 1961) and of all other powers enabling it in that behalf, the Government of Maharashtra after considering the objections and suggestions, pursuant to the Government Notification, Co-operation, Marketing and Textiles Department, No. CSL 2014 / CR No. 12/ 13 C, dated the ----- of ----- 2014, published in the *Maharashtra Government Gazette*, Extraordinary, Part IV-B, dated ----- of ----- 2014 is hereby pleased to make the following rules, as follows, namely :—

1. *Short title.*—These rules may be called the Maharashtra State Co-operative Election Authority (Conditions of Service of Commissioner) Rules, 2014.

2. *Definitions.*—In these rules unless the context otherwise requires,—

(a) "Act" means the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961);

(b) "Authority" means the State Co-operative Election Authority established under the Act for functioning as such from the date of commencement of the Act;

(c) "Compensatory local allowance" means the allowance granted to a Commissioner to meet his personal expenditure necessitated by the special circumstances of the duty which he performs;

(d) "Commissioner" means the Commissioner of the State Co-operative Election Authority;

(e) "Government" means the Government of Maharashtra;

(f) "Schedule" means the Schedule appended to these Rules;

(g) Words and expressions used but not defined herein shall have their respective meanings, as assigned to them in the Act.

3. *Oath of office and secrecy.*—The Commissioner shall, before entering upon the office, make and subscribe, before the Minister-in-charge of Co-operation, Marketing and Textiles Department, the oath of office and secrecy, in accordance with the form set out for that purpose in the Schedule.

4. *Term of Office.*—The Commissioner shall hold the office for a period of three years and he may be re-appointed for a further period of two years:

Provided that, the Commissioner shall retire from the office on completion of the age of sixty-five years.

5. *Pay and allowances to the Commissioner.*—The Commissioner shall be paid a salary of Rs. 80,000 per mensem :

Provided that, in case of a person receiving pension from the Central or any State Government, being appointed as a Commissioner, his salary shall be reduced by such amount which he receives as pension.

6. *Accommodation to Commissioner.*—The Commissioner throughout his term of office and immediately thereafter for a period not exceeding fifteen days, be entitled to official residence free of rent, i. e. a flat admeasuring 1750 square feet or of more area, subject to the maximum of 3,200 square feet, if available.

Explanation.—For the purposes of this rule,—

(i) "official residence" means an accommodation owned or taken on lease or requisitioned or otherwise, by the Government;

(ii) "rent" shall not include water and electricity charges.

7. *Leave.*—(a) The Commissioner shall be entitled to leave as follows, namely :—

(i) earned leave of thirty days for every completed year of service or a part thereof ;

Provided that, the leave account shall be credited with earned leave, in advance, in two installments of fifteen days each on the first day of January and July, of every calendar year :

Provided further that, the leave account at the credit close of previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so accrued including the leave credited in accordance with the first proviso shall not exceed three hundred days;

(ii) half pay leave on medical certificate of twenty days in respect of each completed year of service. The leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave:

Provided that, the leave accrued shall be credited with half pay leave in advance in two installments of ten days each on the first day of January and July every calendar year :

Provided further that, such half pay leave may be commuted to full pay leave (twice of half pay leave) at the discretion of the Government, provided it is taken on medical ground and is supported with a medical certificate by a registered medical practitioner;

(iii) casual leave and other leave as admissible to a member of the Indian Administrative service of the corresponding grade in the State.

(b) A leave at the credit of a Commissioner shall lapse on the date on which Commissioner vacates his office :

Provided that, the leave shall not lapse if a Commissioner has,—

(i) applied for leave and the same has been refused; or

(ii) ascertained, in writing, from the sanctioning authority that the leave, if applied for, will be refused on the ground of the necessity of public services.

(c) Notwithstanding anything contained in the preceding rules, or the Maharashtra Civil Services (Leave) Rules, 1981, a Commissioner shall be entitled to an allowance equivalent to the earned leave to his credit, on the date on which he vacates his office, subject to the condition that the payment of allowance equivalent to the leave salary shall be limited to earned leave for a maximum of one hundred and fifty days. The leave salary shall be paid in full in lump sum, as one time settlement, upon vacating office.

Explanation.—For the purpose of computation of such allowance, compensatory local allowance or the house rent allowance shall not be counted.

8. *Leave sanctioning authority.*—The Minister-in charge of the Co-operation, Marketing and Textiles Department, of the Government shall be the authority competent to sanction leave of the Commissioner.

9. *Gratuity.*—The Commissioner shall be entitled to the benefit of gratuity at the rate of thirty days of pay for each completed year of service on the Authority :

Provided that, a Commissioner should have completed a minimum of two years of service on the Commission to be entitled to pay the gratuity :

Provided further that, no gratuity shall be payable to the Commissioner on his removal from office for any of the grounds as specified in sub-section (6) of section 73 CB of the Act.

10. *Conveyance.*—(a) The Commissioner shall be provided with a chauffeur driven car for official purposes at the cost of the Authority :

Provided that, in the event the official vehicle is not available for any reason, a Commissioner may, for the purposes of travel in connection with his duty at the headquarters, shall be entitled to the reimbursement of the taxi-fare incurred;

(b) The Commissioner shall be permitted to use the car provided to him for his private purposes on the same terms and conditions as applicable to a member of the Indian Administrative Service of the corresponding grade in the State Government.

11. *Traveling allowance.*—(a) The Commissioner while on tour or on transfer (including the journey undertaken or on expiry of his term to proceed to his hometown), shall be entitled to traveling allowances, daily allowances, transportation of personal effects and other similar matters at the same rates as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State:

Provided that, in the event of Government accommodation not being available, the daily allowance on the basis of actual expenditure incurred by a Commissioner, supported by necessary vouchers, may be granted :

Provided further that, a Commissioner shall be entitled to a daily allowance for the entire period of absence from the head-office of the Authority, the absence being reckoned from the time of departure from the head office till time of return :

Provided also that, any matter relating to the aforesaid traveling allowances with respect to which no express provision exists in the rules and regulations which are applicable to a member of the Indian Administrative Service of the corresponding grade in the State;

(b) The Commissioner shall be entitled to leave travel concession at the same rate as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State;

(c) The Commissioner shall not go on foreign tour for official purposes, unless he has obtained prior permission of the Minister-in-charge of the Co-operation, Marketing and Textiles Department of the Government and clearance from the Central Government, as applicable, to a member of the Indian Administrative Service of the corresponding grade in the State.

12. *Telephone facilities.*—The Commissioner shall be provided with a telephone with S.T.D. and I.S.D. facilities at his residence, at the cost of the Authority.

13. *Medical treatment.*—The Commissioner shall be entitled to medical treatment and reimbursement of medical expenses as applicable to an officer of the State Government of the corresponding grade in the State in accordance with the Maharashtra State Medical Attendance Rules, 1961 and Orders of the Government issued, from time to time.

14. *Expenses on official meetings and entertainment allowance.*—The Commissioner may authorise the expenses to be incurred by the Authority in meetings including tea, coffee and refreshment along with the reasonable expenses on the entertainment of visitors to the Authority, as the case may be.

15. *Sumptuary allowance.*—The Commissioner shall be entitled to a sumptuary allowance at the rate of rupees Three Thousand per mensem.

16. *Other allowances.*—The Commissioner shall be entitled to such allowances as are applicable to a member of the Indian Administrative Service of the corresponding grade in the State.

17. *Residuary provision.*—(a) Matters relating to the conditions of service of the Commissioner of the Authority with respect to which no express provision has been made in these rules shall be referred in each case to the Government for its decision and the decision of the Government thereon shall be binding on the Commissioner ;

(b) When the Government is satisfied that the operation of these rules causes undue hardship in any particular case it may, in the public interest and for reasons to be recorded in writing, relax the provisions or the requirements of any of these Rules.

18. *Power of the Government to notify grades.*—For the purpose of determination of the admissibility of various allowances under these rules to the Commissioner, the Government may, notify the corresponding grade of a member of the Indian Administrative Service.

SCHEDULE

(See Rule 3)

(a) Form of Oath of Office.—

“ I, ----- having been appointed as the Commissioner of State Co-operative Election Authority, do swear in the name of * God / * solemnly affirm that, I shall bear true faith and allegiance to the Constitution of India. I shall uphold the sovereignty and integrity of India. I shall duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill will and I will uphold the Constitution and the laws of the land.”.

(b) Form of Oath of secrecy.—

“ I, ----- do swear in the name of * God / * solemnly affirm that, I shall not directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Commissioner of the State Co-operative Election Authority, except as may be required for the due discharge of my duties as Commissioner. ”.

* Strike out whichever is not applicable.

By order and in the name of the Governor of Maharashtra,

RAJGOPAL DEVARA,
Secretary to Government.